

**U.S. Department of Justice** 

Civil Rights Division

SHR:LLC:RJG:JDH DJ 207-61-1

Special Litigation Section – 4CON 950 Pennsylvania Ave, NW Washington DC 20530

January 18, 2022 Via mail and email

Robert Taylor, City Attorney Office of the City Attorney City of Portland, Oregon 1221 SW 4th Avenue, Suite #430 Portland, OR 97204 email: Robert.Taylor@portlandoregon.gov

Charles Lovell, Chief of Police Portland Police Bureau City of Portland, Oregon 1111 SW Second Portland, OR 97204 email: Charles.Lovell@portlandoregon.gov

> RE: United States v. City of Portland, 3:12-cv-02265-SI New Disclosures under the Amended Settlement Agreement (Agreement)

Dear Mr. Taylor and Chief Lovell:

We write in response to the Rapid Responses Team (RRT) training materials from 2018 that the City of Portland (City) produced to us on January 14, 2022, shortly before media outlets published the materials. The night before, the City informed us for the first time about what the City described as an ongoing internal investigation to determine who authored certain RRT training slides that have varying degrees of offensive content, incorrect guidance, and false or misleading information related to PPB's crowd management policies and practices. The City should have reported these RRT training materials when they were developed, as required by Paragraph 82 of our Agreement. Had the City informed us of the existence of these training materials at the time, we would have had the opportunity to provide substantial edits and decline to approve the training. The existence of these RRT training materials might have materially impacted our assessments of the City's compliance with the Agreement.

The newly disclosed RRT materials address a topic that was central to our 2021 annual compliance report, ECF No. 236, and our pending notice of noncompliance that the parties have been mediating since August 2021. Paragraphs 178–183. Within the mediation, we have been negotiating a slate of remedies to resolve the noncompliance notice, including remedies relating to training and crowd control misconduct. ECF No. 275-1. Some PPB and City employees knew or should have known about these materials for years. The City Attorney's Office has

reportedly known about them since at least September 2021. Had we known about this RRT training, we might have proposed additional remedies. The United States reserves its rights under the Agreement related to this matter.

To address our compliance concerns raised by this matter, we request the following, by January 28, 2022:

- 1. The original, unredacted electronic records containing all RRT training materials since 2018, including all metadata;
- 2. An initial report and periodic status reports regarding the internal investigation of this matter, including the circumstances regarding the training being finalized and delivered, and the training information being withheld from the United States; and
- 3. The City's plans to ensure that that it timely provides all information required to be disclosed under the Agreement.

Please let us know if the City has any objection or needs any clarification about these requests. Likewise, if the City cannot meet the deadline, please confer with us as soon as you become aware. We appreciate your prompt attention to this matter.

## Sincerely,

Department of Justice

/s/ Jonas Geissler /s/ Jared D. Hager

R. Jonas Geissler Jared D. Hager
Senior Trial Attorney Assistant U.S. Attorney
Civil Rights Division District of Oregon

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via email only